

30/11/96

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## ACT No. XIII OF 1896.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 30th March, 1896.)

### An Act to amend the Code of Criminal Procedure, 1882.

X of 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

1. (1) In the first sentence of section 269 of the said Code, after the word "may", where it first occurs, the words "with the previous sanction of the Governor General in Council," and after the word "may", where it next occurs, the words "with the like sanction," shall respectively be inserted.

Amendment  
of section  
269, Act X,  
1882.

(2) After the first sentence of the same section the following shall be inserted, namely:—

"The Local Government, by like order, may also declare that, in the case of any district in which the trial of any offence is to be by jury, the trial of such offence shall, if the Judge, on application made to him or of his own motion, so directs, be by jurors summoned from a special jury list, and may revoke or alter such order."

2. In section 276 of the said Code, before the word "*thirdly*" the word "and" shall be repealed, and to the same section the following shall be added, namely:—

Amendment  
of section  
276, Act X,  
1882.

"and

*fourthly*, in any district for which the Local Government has declared that the trial of certain offences may be by special jury, the jurors shall, in any case in which the Judge so directs, be chosen from the special jury list prescribed in section 325A."

3. (1) In

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Amendment  
of section  
307, Act X,  
1882.

3. (1) In section 307 of the said Code, for the words "so completely that he considers it" the words "and is clearly of opinion that it is" shall be substituted.

(2) In the same section, for the words "but it may" the words "and subject thereto it shall, after considering the entire evidence and after giving due weight to the opinions of the Sessions Judge and the jury," shall be substituted.

Amendment  
of section  
319, Act X,  
1882.

4. To section 319 of the said Code the following words shall be added, namely :—

"or, if the Local Government, on consideration of local circumstances, has fixed any smaller area in this behalf, within the area so fixed."

Addition of  
new section  
after section  
325, Act X,  
1882.

5. After section 325 of the said Code the following section shall be added, namely :—

Preparation  
of list of  
special jurors.

" 325A. In the case of any district for which the Local Government has declared that the trial of certain offences shall, if the Judge so direct, be by special jury, the Sessions Judge and the Collector of such district or other officer as aforesaid shall prepare, in addition to the revised list hereinbefore prescribed, a special list containing the names of such jurors as are borne on the revised list and are, in the opinion of such Sessions Judge and Collector or other officer as aforesaid, by reason of their possessing superior qualifications in respect of property, character or education, fit persons to serve as special jurors: Provided always that the inclusion of the name of any person in such special list shall not involve the removal of his name from the revised list nor relieve him of his liability to serve as an ordinary juror in cases not tried by special jury."

Amendment  
of section  
326, Act X,  
1882.

6. In section 326 of the said Code, after the words "the said revised list" the words "or the said special list" shall be inserted, and the words "on the revised list" shall be omitted.

7. After

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*Criminal Procedure.*

7. After section 330 of the said Code the following section shall be added, namely :—

Addition of  
new section  
after section  
330, Act X,  
1882.

“330A. The Court of Session may, if it shall think fit, at the conclusion of any trial by special jury direct that the jurors who have served on such jury shall not be summoned to serve again as jurors for a period of twelve months.”

Court may  
relieve  
special jurors  
from liability  
to serve again  
as jurors for  
twelve  
months.